

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

Mark Martin

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date

(Check One)

Date

☐

Emergency (ACA 25-15-204)

Legal Notice Published _____

☐

10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment _____

☐

Other _____

(Must be more than 10 days after filing date.)

Reviewed by Legislative Council _____

Adopted by State Agency _____

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)


Signature

Phone Number

E-mail Address

Title

Date

 <p style="text-align: center;">ADMINISTRATIVE RULES</p> <p style="text-align: center;">STATE OF ARKANSAS</p> <p style="text-align: center;">BOARD OF CORRECTIONS</p>	Section Number:	Page Number:
	855	1 of 2
	Board Approval Date: 5/11/2018	
	Supersedes: AR 855	Dated: 5/11/2018
	Reference: N/A	Effective Date: 5/21/2018
SUBJECT: Investigation and Transportation of Deceased Inmates		

I. POLICY:

To ensure proper notification of all inmate deaths in accordance with Arkansas law, and in order to conduct relevant investigations into the Manner and Cause of Death. To provide guidelines for the transfer of deceased inmates to the State Crime Laboratory's Medical Examiner's Office.

II. EXPLANATION:

- A. It is the procedure that the County Coroner and the State Medical Examiner shall be notified of all deaths that occur within a correctional facility. (A.C.A. § 12-12-315 (b))
- B. If the Department determines that the death falls in to one or more of the categories below, the deceased shall be transferred to the Arkansas State Crime Laboratory for examination.
 1. Death due to violence
 2. Known or suspected non-natural death
 3. Unexpected or unexplained death
 4. Death occurring under an unusual or suspicious circumstance
 5. Death known or suspected to be caused by disease constituting a threat to public health
 6. Death of a person not under the care of a physician
 7. Forensic medical examination requested by the Director of the Department of Correction or his or her designee if the person was in the care, custody, or control of the Department of Correction at the time of death
- C. In the case of the death of a person under the care of a physician for the thirty-six (36) hours preceding death, the deceased will not be transferred to the Arkansas State Crime Laboratory if the inmate's emergency contact or next of kin has signed a waiver for examination, unless the Department of Correction makes a specific request under B (7) above.

- D. The responsibility of affording this transportation in all cases will be handled by the Arkansas State Crime Laboratory. The investigating agency shall obtain certain information and evidence at the scene to assist in making a diagnosis as to the cause of death
- E. For all deaths that occur within a correctional facility the following items will be sent with the deceased inmate's body: (Records must be kept indicating what material was sent. The original records will be kept at the unit.)
 - 1. Investigation report of incident (clinical notes or findings).
 - 2. Copy of the initial investigation at the scene with formal findings forwarded as soon as available.
 - 3. Either a descriptive report of materials found at the scene or, if available, samples of any or all toxic substances.
- F. The Arkansas State Crime Laboratory may provide for an on-site inspection and investigation of the death. All arrangements and requests for additional information will be coordinated through the office of the Arkansas Department of Correction Medical Services Administrator.
- G. A death from "Natural Causes" includes any death that was expected due to age, or previously diagnosed illnesses/injuries. In such cases, transfer to the Arkansas State Crime Laboratory's Medical Examiner's Office is not required, but may be requested by the Director of the Arkansas Department of Correction, or his designee, on a case-by-case basis.
 - 1. If an inmate dies due to age or a previously diagnosed illness/injury (ies), it will typically be appropriate to consult with one of the Medical Examiners (ME), rather than transferring the remains to the Arkansas State Crime Laboratory's Medical Examiner's Office. A Medical Examiner Consultation (MEC) is appropriate when the cause and manner of death are reasonably known, the death does not fall into any of the categories described above, and a forensic medical examination is unlikely to yield any additional significant information regarding the death.
 - 2. The consulting Medical Examiner will prepare a report including the date, the reporting party, the name, age, and sex of the deceased, a short summary of the history, and a recommendation for cause and manner of death. It is signed by the consulting ME and sent by fax or mailed to the reporting party at the Arkansas Department of Correction.